

Application No.: 10/550,539
Amendment Dated: December 31, 2009
Reply to Office Action of: October 1, 2009

MTS-3563US

Remarks/Arguments:

Claims 11, 27 and 30 have been amended. No new matter is introduced herein. Claims 1, 3-17, 19-28 and 30-32 are pending.

Claims 1, 11 and 27 have been objected to. With respect to claim 1, the Examiner suggests that the word "third" should be replaced with "second." Applicants respectfully disagree. Applicants note that the word "third" relates to the "third slice level voltage," as described in the subject specification, not merely a numerical order. Applicants note that if the word "third" was changed to "second" in claims 1 and 17, and the word "second" was changed to "third" in claims 31 and 32, based on the Examiner's suggestion, there would be no correspondence between these amended claims and the description of the subject specification. Applicants respectfully request therefore that the objection to claims 1 and 17 be withdrawn.

In addition, it is asserted that claims 11 and 27 lack antecedent basis for the phrase "current position." Claims 11 and 27 have been amended accordingly. Applicants respectfully request that the objection to claims 1, 11 and 27 be withdrawn.

Claim 30 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, it is asserted that it is not clear whether claim 30 relates to a method claim or an apparatus claim. Claim 30 has been amended to recite a "computer readable recording medium carrying a program of causing a computer to perform the moving step and control step according to claim 17." Accordingly, Applicants respectfully request that the rejection of claim 30 under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 1, 3-8, 14-17, 19-24, 30, 31 and 32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe et al. (U.S. 2004/0105358) in view of Manoh et al. (U.S. 7,333,412). Claims 9, 10, 12, 25, 26 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe et al. in view of Manoh et al. and further in view of Kobayashi (U.S. 7,145,842). Claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe et al. in view of Manoh et al. and further in view of Kitani et al. (U.S. 2003/0151991).

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These grounds for rejection are respectfully traversed because Watanabe et al. is not a proper prior art reference against the subject application.

The earliest date that may be relied upon for Watanabe et al. as a prior art reference is November 26, 2003. The subject application, however, claims priority from Japanese Patent Application No. 2003-345398, filed October 3, 2003. This date predates the November 26, 2003 date of Watanabe et al.

Pursuant to MPEP §201.15, Applicants provide a Verified Translation of the priority document and the following description showing that the claims of the above-identified application are fully supported as required by 35 U.S.C. §112 by these priority documents.

Claims 1, 3-17, 19-28 and 30-32 are supported in the priority application at paragraphs [0030-0042] and Figs. 1-3 of the priority document. Because claims 1, 3-17, 19-28 and 30-32 are fully supported in the priority document, as required by 35 U.S.C. §112, and because the priority document has an earlier filing date in Japan than the U.S. filing date of Watanabe et al., Watanabe et al. is not a prior art reference against claims 1, 3-10, 12-17, 19-26, 28 and 30-32. Thus, claims 1, 3-8, 14-17, 19-24 and 30-32 are not subject to rejection as being obvious in view of Watanabe et al. and Manoh et al. In addition, claims 9, 10, 12, 13, 25, 26 and 28 are not subject to rejection as being obvious in view of Watanabe et al. and Manoh et al. in combination with Kobayashi or Kitani et al., respectively. Accordingly, Applicants respectfully request that the rejection of claims 1, 3-10, 12-17, 19-26, 28 and 30-32 be withdrawn.

Applicants appreciate the indication that claims 11 and 27 include allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have not amended claims 11 and 27, however, because it is submitted that the base claims from which they depend are patentable over the cited art, for the reasons set forth above.

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In view of the amendments and remarks set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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Enclosure: Verified English Translation of Priority Document

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